

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Criminal No. 18-703-JMV
	:	
v.	:	
	:	
THOMAS ZIMMERMAN,	:	NOTICE OF MOTION TO PERMIT
	:	DEFENDANT ADDITIONAL
	:	ACCESS TO ECCF LAW LIBRARY
Defendant.	:	WITH SUPPORTING FACTS

To: Robert Frazer, Esq., A.U.S.A., and
Naazneen Khan, Esq., A.U.S.A.
U.S. Attorney's Office
970 Broad Street, Suite 700
Newark, NJ 07102

PLEASE TAKE NOTICE that Kenneth W. Kayser, Esq., co-counsel with Henry Klingeman, Esq., for defendant Thomas Zimmerman by appointment of the Court under the Criminal Justice Act, shall move before the Honorable John Michael Vazquez, U.S.D.J., at such place, date and time as the Court may schedule, for a hearing on Defendant Zimmerman's request to be permitted additional hours in the Law Library facility on the tier in which he is housed at the Essex County Correctional Facility in order to review his case discovery and legal materials.

In support of this motion, defendant relies upon the attached Statement of Facts in Support of this Motion.

Respectfully submitted,
S/ Kenneth W. Kayser

Kenneth W. Kayser
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Attorney for Def. Thomas Zimmerman

Dated: April 13, 2022

Certification and
Statement of Facts In Support of Motion

1. I, KENNETH W. KAYSER, ESQ., certify as follows:
2. I am an attorney-at-law of the State of New Jersey with an office located at 120 Eagle Rock Avenue, E. Hanover, NJ, and am fully familiar with the facts herein.
3. I am co-counsel along with lead counsel Henry E. Klingeman, Esq., for Defendant Thomas Zimmerman, by appointment of the Court pursuant to the Criminal Justice Act.
4. Defendant Thomas Zimmerman is one of five defendants in Crim. No. 18-703, a multi-count Superceding Indictment alleging the most serious of offenses, including multiple murders, racketeering, weapons and drug offenses, and conspiracy, some counts providing for a mandatory minimum life sentence.
5. The case has been designated as complex and the discovery to date is very voluminous and with more to come as well as a large volume of Jencks

material anticipated as the case progresses.

6. Some of the defendants, including defendant Zimmerman, are in plea discussions with the government with a deadline for consideration of such a case disposition less than two weeks away.
7. Defendant Zimmerman is currently in custody at the Essex County Correctional Facility (“ECCF”) pending disposition of his case, housed in a tier designated 4-E-1.
8. Also housed on that same tier is co-defendant Tyquan Daniels.
9. Defendant Zimmerman desires the opportunity for additional time in the law library on his tier to review discovery and legal materials available on flash drives when plugged into the computers in the law library, the flash drives having been provided to him by the Coordinating Discovery Attorney in this case in cooperation with ECCF personnel.
10. Defendant Zimmerman has access to some legal materials on a tablet available to him on the tier, but the discovery materials are not available in that fashion and require the use of one of the computers in the law library.
11. Defendant Zimmerman and his counsel request expeditious consideration of the within motion as the requested additional access to the law library in the short term may assist in the plea bargain decision-making process, and then beyond if the decision is to proceed to trial.
12. The Court granted co-defendant Daniels similar relief to that requested here in this case approximately a year and a half ago in an Opinion & Order filed on 11/09/20, Document 92 on the Docket Sheet for the within case.
13. The government did not object to co-defendant Daniels’ motion (see Letter by AUSA Robert Frazer dated July 31, 2020, Document 86 on the Docket Sheet), and has advised in a phone call to the undersigned earlier today that there will be no objection to this motion by defendant Zimmerman and that he would confirm same by letter in response to the filing of this motion.

14. The Court granted co-defendant Daniels at least six (6) hours per day access to the ECCF law library subject to reasonable conditions at the ECCF, by way of example not requiring such access during safety lock-downs.
15. Defendant Zimmerman respectfully seeks the same or similar opportunity and no more, the reasonable conditions qualification providing the ECCF with sufficient leeway to ensure security for its operations.
16. I certify that the foregoing statements made by me are true and that if any of such statements are knowingly false, I am subject to punishment.

S/ Kenneth W. Kayser

Kenneth W. Kayser
Co-Counsel for Defendant
Thomas Zimmerman